

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JIM W. FANG
Assistant United States Attorney
501 Las Vegas Blvd. South, Ste. 1100
Las Vegas, Nevada 89101
Phone: 702-388-6336
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT CORTEZ MARSHALL,

Defendant.

Case No. 2:19-cr-270-JAD-BNW

**Stipulation to Continue the Sentencing
Hearing (First Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Brian Pugh, Assistant Federal Public Defender, counsel for Defendant, that the sentencing hearing in the above-captioned matter, previously scheduled for December 14, 2021, at 11:00 a.m., be vacated and continued until a time convenient to the Court, but no earlier than 75 days from the current setting.

1. The sentencing hearing is currently scheduled for December 14, 2021.

2. The Federal Public Defender ("FPD") was appointed to be defendant's counsel after defendant's previously retained counsel withdrew from the case. *See* ECF No. 86.

1 3. After the FPD was appointed, and after a plea agreement was reached
2 between the parties, in preparation for sentencing, the parties encountered various factual
3 disputes in this case, and the FPD had identified additional discovery it needs in order to
4 facilitate the resolution of these disputes without the need for a contested sentencing
5 hearing. The government is in the process of producing the requested discovery.

6 4. Accordingly, the parties have consented to a continuance of the sentencing
7 hearing so that full discovery can be produced to the FPD to allow it to fully prepare for the
8 sentencing hearing, as well as assist the parties in resolving factual disputes without a
9 contested hearing.

10 5. However, to ensure that defendant is not prejudiced by this delay sought by
11 the government, the parties have agreed that defendant should be released from custody as
12 soon as reasonably possible pending the sentencing hearing. This request has been made to
13 the Court in a separate filing. *See* ECF No. 107.

14 6. Defendant agrees to the continuance.

15 DATED this 9th day of December, 2021.

16 CHRISTOPHER CHIOU
17 Acting United States Attorney

18 s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
19 *Counsel for the United States*

s/ Brian Pugh
BRIAN PUGH
Assistant Federal Public Defender
20 *Counsel for Defendant*

**UNITED STATES DISTRICT COURT
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Defendants.

Case No. 2:19-cr-270-JAD-BNW

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the sentencing hearing due to defendant's request for additional discovery to resolve factual disputes for the purposes of sentencing, which the government is in the process of producing.

2. The continuance is sought to allow the government to provide full discovery to the defense in advance of the sentencing hearing, both to allow the defense to fully prepare for the hearing, as well as to facilitate resolution of disputed matters between the parties without a contested hearing.

3. To ensure that defendant is not prejudiced by this delay sought by the government, the parties have agreed that defendant should be released from custody as soon as reasonably possible pending the sentencing hearing. This request has been made to the Court in a separate filing.

4. Defendant agrees to the continuance.

1 THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the
2 above-captioned matter, previously scheduled for December 14, 2021, at 11:00 a.m.,
3 be vacated and continued to March 22, 2022, at 10:00 a.m.

4 DATED this 10th day of December, 2021.

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HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE
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